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First Named Applicant: Willer)	Art Unit: 3661
)	
Application No.: 10/648,587)	Examiner: Broadhead
)	
Filed: August 26, 2003)	50T5549.01
)	
For: COMMON ELECTRONICS ARCHITECTURE FOR)	April 10, 2006
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)	

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This brief replies to the Examiner's Answer dated April 7, 2006.

The Answer alleges that the oscillator construction of figure 8 of Peterzell et al. "applies to all of the embodiments." This is incorrect. Peterzell et al. never states that figure 8 "applies to all of the embodiments"; indeed, as clearly stated in Peterzell et al., paragraph 89, figure 8 shows a "zero IF" transmitter that is "similar to the system 400 but that is specifically constructed and operative in a wireless direct conversion upconverter." This strongly implies that while elements of the system 400 might apply to figure 8, the obverse is not logically true. Thus, reliance on a conjecture that figure 8 (which is not used in the rejections) somehow applies to the subject matter relied on earlier in the rejections militates toward reversal.

The Answer alleges that figure 8 has "one reference oscillator", presumably the element 605, and that this oscillator provides multiple local oscillator (LO) outputs which "leave box 602." This allegation appears

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to be irrelevant to both the underlying rejections and Appellant's discussion of the rejections in the Brief, because the LOs leaving box 602 in figure 8 do not appear to relate to the I and Q signals in figures 3 and 5 of Peterzell et al. which have been relied on the rejection and which have been discussed in Appellant's Answer. Instead, the LOs in figure 8 are clearly labeled "cell" and "PCS", neither of which is part of a GPS or a Bluetooth circuit.

The Answer alleges that paragraph 58 of Peterzell et al. states that a LO of figure 6 can be provided for each RF path. However, paragraph 58 in its entirety states that "GPS reception while operating with other modes *may require separate LO generation*" (emphasis mine), undermining the point being made in the Answer. Further, note that nowhere does Peterzell et al. suggest that the "separate LO generation" is undertaken using the same reference oscillator. The plain implication in paragraph 58 is that unlike the modes discussed earlier in the paragraph, which can use figure 6 and presumably, under the examiner's reading, a common reference oscillator, GPS operation requires something different than figure 6, presumably a different reference oscillator.

Indeed, the Answer recognizes this, characterizing the teaching as a disclosure "of fully separate hardware" when GPS is included. But then how would the references, one of which admittedly discloses "fully separate hardware" for GPS, reach, e.g., Claim 8, which requires the sharing of a reference oscillator between a GPS system and a Bluetooth system? The conclusion in the Answer on page 5, lines 11-13 that all of the LOs "would be based off one reference oscillator" is thus (1) without support in Peterzell et al.; (2) is not directed to GPS/Bluetooth operation but only to cell/PCS I and Q signals; and (3) plainly has been arrived at only as a guess (probably incorrect) the only possible source of which is hindsight evaluation of

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Peterzell et al. with Appellant's present teachings in mind. To the extent that the rejections depend on this probably incorrect hindsight evaluation of the reference, they merit reversal.

The Answer alleges that "one of ordinary skill in the art would understand the advantages of using SAW filters for these multiple BPFs for each RF path" without bothering to provide support for this leaping finding of fact. To the extent that the rejections depend on this unsupported conjecture about what one of ordinary skill in the art would understand, they merit reversal.

The Answer states that "Appellants' specification provides probative information" [supporting the rejections.] Appellants' specification is not part of the prior art. To the extent that any reliance on it is used to support a rejection, the rejection must be reversed.

The Answer relies on an information data sheet referenced in the present specification as being useful for Bluetooth operation as some sort of "gotcha", somewhat irrelevantly stating that because multiple Bluetooth LOs can be based on a common Bluetooth reference oscillator, this in some way erodes Appellant's arguments that to date, no combination of references has been provided that show a common oscillator between Bluetooth and GPS systems. As a logical matter of course, it does not. In fact, it bolsters Appellant's point that before the present invention no one had contemplated using a reference oscillator for both a Bluetooth system and a GPS system (for which the Answer has failed to identify a citation in the information data sheet).

In other words, both Peterzell et al. and the examiner in his new reliance on the Bluetooth-only data sheet fail to make the critical recognition reflected in varying degrees in Claims 8, 16, and 26 that by using only a common oscillator, off-the-shelf GPS and Bluetooth transceivers may be used and housed on a single module without unduly modifying either receiver (typically implemented from the manufacturer on a chip),

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while conserving parts and space in that only one reference oscillator is used. For this reason, not only would combining the references as proposed not arrive at amended Claims 8, 16, and 26, but only the present specification has provided the motivation to do so.

Furthermore, it is not clear whether a new ground of rejection is being levied using the data sheets that accompany the Answer. If a new ground of rejection is not being advanced, reliance on the data sheets, which heretofore have not been used in the rejections, appears to be improper. If a new ground of rejection is being advanced, the requisite signature of the Technology Center Director has not been obtained (a new ground of rejection in an examiner's answer should be "rare", and should be levied only in response to such things as newly presented arguments by Applicant or to address a claim that the examiner previously failed to address, 69 Fed. Reg. 155 (August 2004), see, e.g., pages 49963 and 49980. Furthermore, a new ground of rejection must be approved by the Technology Center Director or designee, id.)

Respectfully submitted,


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